

# SENATE BILL No. 760

October 19, 2011, Introduced by Senators GREEN, ROBERTSON, JONES, KOWALL, MARLEAU, EMMONS, PAPPAGEORGE and MEEKHOF and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 222 and 223 (MCL 750.222 and 750.223), section 222 as amended by 2001 PA 135 and section 223 as amended by 1992 PA 221.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 222. As used in this chapter:

2       (a) "Alcoholic liquor" means that term as defined in section  
3 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL  
4 436.1105.

5       (b) "Barrel length" means the internal length of a firearm as  
6 measured from the face of the closed breech of the firearm when it  
7 is unloaded, to the forward face of the end of the barrel.

8       (c) "Controlled substance" means a controlled substance or

1 controlled substance analogue as those terms are defined in section  
2 7104 of the public health code, 1978 PA 368, MCL 333.7104.

3 (d) "Firearm" means a weapon from which a dangerous projectile  
4 may be propelled by an explosive, or by gas or air. Firearm does  
5 not include a smooth bore rifle or handgun designed and  
6 manufactured exclusively for propelling by a spring, or by gas or  
7 air, ~~BB's~~ **BBS** not exceeding .177 caliber.

8 (e) "Pistol" means a loaded or unloaded firearm that is ~~30~~ **26**  
9 inches or less in length, or a loaded or unloaded firearm that by  
10 its construction and appearance conceals itself as a firearm.

11 (f) "Purchaser" means a person who receives a pistol from  
12 another person by purchase, gift, or loan.

13 (g) "Seller" means a person who sells, furnishes, loans, or  
14 gives a pistol to another person.

15 (h) "Shotgun" means a firearm designed or redesigned, made or  
16 remade, and intended to be fired from the shoulder and designed or  
17 redesigned and made or remade to use the energy of the explosive in  
18 a fixed shotgun shell to fire through a smooth bore either a number  
19 of ball shot or a single projectile for each single function of the  
20 trigger.

21 (i) "Short-barreled shotgun" means a shotgun having 1 or more  
22 barrels less than 18 inches in length or a weapon made from a  
23 shotgun, whether by alteration, modification, or otherwise, if the  
24 weapon as modified has an overall length of less than 26 inches.

25 (j) "Rifle" means a firearm designed or redesigned, made or  
26 remade, and intended to be fired from the shoulder and designed or  
27 redesigned and made or remade to use the energy of the explosive in

1 a fixed metallic cartridge to fire only a single projectile through  
2 a rifled bore for each single pull of the trigger.

3 (k) "Short-barreled rifle" means a rifle having 1 or more  
4 barrels less than 16 inches in length or a weapon made from a  
5 rifle, whether by alteration, modification, or otherwise, if the  
6 weapon as modified has an overall length of less than 26 inches.

7 Sec. 223. (1) A person who knowingly sells a pistol without  
8 complying with section 2 of ~~Act No. 372 of the Public Acts of 1927,~~  
9 ~~as amended, being section 28.422 of the Michigan Compiled Laws 1927~~  
10 **PA 372, MCL 28.422**, is guilty of a misdemeanor, punishable by  
11 imprisonment for not more than 90 days, or a fine of not more than  
12 \$100.00, or both.

13 (2) A person who knowingly sells a firearm more than ~~30~~**26**  
14 inches in length to a person under 18 years of age is guilty of a  
15 misdemeanor, punishable by imprisonment for not more than 90 days,  
16 or a fine of not more than \$500.00, or both. A second or subsequent  
17 violation of this subsection is a felony punishable by imprisonment  
18 for not more than 4 years, or a fine of not more than \$2,000.00, or  
19 both. It is an affirmative defense to a prosecution under this  
20 subsection that the person who sold the firearm asked to see and  
21 was shown a driver's license or identification card issued by a  
22 state that identified the purchaser as being 18 years of age or  
23 older.

24 (3) A seller shall not sell a firearm or ammunition to a  
25 person if the seller knows that either of the following  
26 circumstances exists:

27 (a) The person is under indictment for a felony. As used in

1 this subdivision, "felony" means a violation of a law of this  
2 state, or of another state, or of the United States that is  
3 punishable by imprisonment for 4 years or more.

4 (b) The person is prohibited under section 224f from  
5 possessing, using, transporting, selling, purchasing, carrying,  
6 shipping, receiving, or distributing a firearm.

7 (4) A person who violates subsection (3) is guilty of a  
8 felony, punishable by imprisonment for not more than 10 years, or  
9 by a fine of not more than \$5,000.00, or both.

10 (5) As used in this section, "licensed dealer" means a person  
11 licensed under ~~section 923 of chapter 44 of title 18 of the United~~  
12 ~~States Code 18 USC 923~~ who regularly buys and sells firearms as a  
13 commercial activity with the principal objective of livelihood and  
14 profit.

15 Enacting section 1. This amendatory act takes effect January  
16 1, 2012.

17 Enacting section 2. This amendatory act does not take effect  
18 unless all of the following bills of the 96th Legislature are  
19 enacted into law:

20 (a) Senate Bill No. 761.

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22 (b) Senate Bill No. 762.

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